

United States District Court
Northern District of California. **FILED**
AUG - 7 2019

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2
3 TearhameL Fanaro,
4 Plaintiff)
5 V.
6

7
8 Thomas Leon B11051,
9 Defendant
10

SUSAN Y. DONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
Civil Action No. 3:19-cv-03247-LB
3247

* Answer to Complaint
By Defendant Thomas
Leon B11051 *

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14 • Come Now Defendant Thomas Leon, and in response
15 to the Complaint on file here in, deny as, admit, and all-
16 ege as follows:
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18 1) Defendant deny's acting, colluding, or being in-
19 volved in any way towards deprivation of Plaintiff's
20 Constitutional Rights, if any deprivation even ever occurred.
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22 2). Defendant deny's ~~says~~ that plaintiff suffered
23 any injury or assault by defendant as alleged in Plaintiff's
Complaint.
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25 3). The Complaint and Each Cause of action there in
26 fail to allege facts sufficient to constitute a cause of ac-
tion.
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1 4). The Complaint and each Cause of action there
2 in are uncertain.
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4 5). The Complaint and each Cause of action therein
5 fail to allege facts sufficient to State a claim for Puni-
6 tive damages, if such Damages are sought.
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8 6). Should plaintiff herein recover damages, that
9 amount should be abated, apportioned and reduced to the
10 extent that the negligence of any other person or enti-
11 ty caused or contributed to the damages, if any there
12 were.

13 7) Any Happening's and events, damage's and injury's,
14 if any there were, were proximately caused and contribut-
15 ed to by the negligence of Plaintiff and Others, each and
16 all of whom failed to exercise ordinary Procedu'res and
17 care at the times and places alleged in the Complaint.

18 8). Because the Complaint is couched in conclusory terms,
19 all affirmative defenses that may be applicable to the
20 action cannot be fully anticipated. Accordingly,
21 the right to assert additional affirmative defenses, if
22 any, and to the extent that such affirmative defenses are
23 applicable, is reserved.

24 9). Answering Defendant has not deprived plaintiff
25 of any right or privilege guaranteed by the Constitution
26 OR laws of the United States.

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10) . Answering Defendant is not liable for any
act or omission of any other Defendant.

11) ~~THE~~ Honorable Court lacks Subject matter
12 jurisdiction over the Causes of action alleged in the
13 Complaint herein because the allegations do not State
14 a Cause of action for any Constitutional Tort, or
15 any Cause of action at all.

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12) . The Complaint fails to State facts Sufficient
to Constitute a Federal civil Rights violation.

13) . Where fore , Defendant praysthat :

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① - Judgement be rendered in favor of Defendant
and Against plaintiff ; And
- ② Plaintiff take nothing by the Complaint
- ③ Defendant's Name be dropped from Suit; and
- ④ Defendant be awarded Such other and further
relief as the Court may deem necessary & proper.

Respectfully Submitted

Dated: July, 9th.
2019.

Thomas Leon Bl 1051
Defendant.

Declaration of Defendant

Thomas Leon Bl 1051, Pro Se.

I Declare under penalty of Perjury that the foregoing statements are true and correct to the best of my knowledge.

1) I am Laymen at law, Therefore not aware of All Federal Rule's and Procedure's in Their accuracy.

2) The Complaint Response by defendant, My Self, Is a true and accurate Declaration by myself to this Honorable Court .

3) I am meeting the time frame as Out lined, & Ordered by this Honorable Judge , and Court.

4) Pelican Bay Mail Has been Delayed to Mailroom Contamination/lock down & ^{no} Lawlibrary

5) I am Unable to retain Counsel, due to "Indegent" financial status, & Incarceration! Therefore, I am learning, & Studying The Federal Rules of Civil procedure, & 42. U.S.C § 1983. Guide line's. Thank You .

*Respectfully Submitted By:

Name: Thomas Leon Bl 1051,

Signature x Thomas Leon Bl 1051

Date: 7/9/19



FILED

PROOF OF SERVICE BY MAIL

AUG - 1 2019

BY PERSON IN STATE CUSTODY
(Fed. R. Civ. Proc. 5; 28 U.S.C. § 1746)

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

I, Thomas Leon, declare: I am over eighteen (18) years of age and am a party to this action. I am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. My State Prison address is: Pelican Bay State Prison, P.O. Box 7500, Housing Unit B-9 Cell Number 107, Crescent City, CA, 95532-7500.

On the 9th day of July, I served the following document(s):
Answer to plaintiffs 42 U.S.C 1983 complaint, Case No. 3:19-cv-0347-LB, by myself in prose, as well as Declaration by defendant, myself, and Decline Notice of Magistrate Judge assignment -

On the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a receptacle so provided at Pelican Bay State Prison, Crescent City, CA, 95532, and addressed as follows:

Clerk Of Court/U.S.D.C
450 Golden Gate Ave.
(Northern District of California)

San Francisco, CA
94102

I declare under penalty of perjury that the foregoing is true and correct.


Inmate Signature

7/9/19
Date

Thomas Leon CDC# BI-1051
Pelican Bay State Prison
P.O. Box 7500, B8-#107
Crescent City CA - 95532

*Legal
Mail

United
North
450



04112203679

Clerk of THE Court

United States District Court (U.S.D.C.)
Northern District of California

Golden Gate Ave.

San Francisco, CA. 94102

